

51) HOME ALONE - The latest in a series of articles by Iain Gregory of Caithness CAB

This weekend Liz has left me in charge at home, having decided to visit daughter number one down the line. Her departure involved chucking 2kg of war paint and a spare pair of jeans in her weekend bag, filling her beloved hot hatch with gas, checking her appearance in the mirror, switching to "Sport" mode and taking off in her customary spray of gravel. I have been issued with written instructions detailing what I have – and have not – to do and I will read them in due course. I have managed extremely well and in the 24 hours to date have only broken one dish, had a slightly unfortunate incident involving a cottage pie (still edible) and suffered a single (non life threatening) injury. I have spent my time valuably, catching up on a huge stack on newspapers and have found a couple of items of interest to this column.

Regular readers will be aware that CCAB have an ongoing issue with Universal Credit, which was intended as a "catch-all" benefit replacing several existing regimes. All has not gone well, as we predicted, and a columnist in Private Eye, signing herself as "Dee Lay" has summed it up rather well when she explains that "Claimants wait 6 weeks for their first payment to be lost in the system, and then wait a further month for each subsequent payment to be lost". She goes on to say that "a government spokesperson hailed the system as a great success". Well, satire is fine, but there are real problems, particularly with regard to people who are unwell and who need to make a claim for benefit. Until recently, if you were ill, you would claim Employment and Support Allowance. This now falls under the UC system, but the process is pretty much the same and, in due course, will involve the completion of a very complex and lengthy form and an examination by a "medical assessor" (who is employed by a contractor to the DWP). There is a good chance that you will be certified "fit for work" – despite your GP stating the precise opposite - and, at that point, CAB will consider submitting a "Mandatory Reconsideration" and, if we have a chance of winning (and we win a lot), going to appeal. One would never suggest that there is any question of emphasis on finding people to be "well" but when the remains of Richard the Third were dug up under a car park in Leicester there was a rumour that he had been declared "fit for work". (In a dead end job presumably. Sorry).

The second item is of considerable interest. The most seriously ill people – perhaps severely physically disabled or mentally ill – were formerly able to claim Disability Living Allowance, and again complex paperwork was involved. This was replaced by Personal Independence Payment and the goalposts were moved. Suddenly, large numbers of people were miraculously "cured" at the stroke of a pen and CCAB has been inundated with the aftermath. As an example, many people who had benefited from the "Mobility" component, and who were utterly dependent upon it to be able to pay for transport to leave their homes, were suddenly deprived of same and found themselves totally housebound. Often "Motability" cars were ordered to be returned. We have

won a lot of cases, but Citizens Advice Scotland, along with our sister charities, have campaigned long and loud about the social disaster this has caused and - at long last – we have some results. Here is an extract from our own system (we will have more detail soon) but it looks like we are getting somewhere:-

All PIP claims to be reviewed

“ 1 February 2018 - Every claim for Personal Independence Payments (PIP) is to be reviewed following a successful challenge at the High Court. The DWP decided not to further appeal the ruling, which said that recent reforms to the descriptors and points used in PIP assessments unlawfully discriminate against people with mental health disabilities. On 29 January the Minister of State for Disabled People, Health and Work, Sarah Newton MP, announced that approximately 1.6 million claims would be subject to an administrative review in light of this finding. This means that a number of people may become entitled to a higher award of PIP, while others may become entitled to PIP for the first time. The DWP has not said whether they will consider reducing any awards on review.

All review decisions should be backdated. (CCAB are aware that this is likely to lead to a “spike” in PIP queries – we are ready and waiting).

Key things you need to know

- The DWP plans to contact affected claimants directly. Someone who believes they may gain from this change should first wait to be contacted
- The announced review extends to identifying those who are entitled to an increase (or a new award). The DWP have not confirmed whether the administrative review could lead to any award being reduced or closed
- Any backdating will be given to the date of the claim, or 28 November 2016 (the date of the first judgement) – whichever is later
- Claimants given 0 points will also have their claims reviewed
- There will be no repeat face-to-face assessments. The DWP should still hold all relevant medical information on file. If more information is needed, they will contact the claimant and/or their relevant doctor directly
- There is likely to be some further delay. This is because the UK Government must first rewrite its assessment guide before it can implement any decision on review. The DWP is collaborating with experts, including the mental health charity MIND
- There will be a further announcement on the appeals process. Given the high volume of claims currently set for review, the DWP is preparing a special appeal process for people who are not satisfied with their outcome on review.

Digital advice - At Citizens Advice Scotland we are working urgently with our partner organisations in England & Wales and Northern Ireland to produce accurate updates”.

So this is good news and as you will see the emphasis is (currently) on unfairness as regards claimants with Mental Health issues, but I have feeling that this is the ball starting to roll. We will keep you in the picture as soon as we know more.

And one final word of warning – very complex paperwork is involved in making a claim. It is a good idea to make sure that the person helping you is capable of not only making the initial claim, but is also prepared and competent to submit a Mandatory Reconsideration and to take the case to appeal if required. Always ask. It can be very difficult indeed if we are presented with a refused claim and have not been involved right from the outset – the chances of winning are often greatly reduced. Remember that CCAB are the professionals in this area of work and employ dedicated staff who deal with these claims and nothing else – our Welfare rights Officers will gladly assist and advise.

And now I had better check the list of directives which Liz left for me, remove the two deceased mice which the cats have brought for me and attempt not to immolate my lunch.